

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Offic**

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Washington, D.C. 20231

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/199, 198 11/25/98 AZUMA

M 0107-78

QM12/0301

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EXAMINER

ELEY, T

ART UNIT	PAPER NUMBER
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3723

DATE MAILED:

03/01/00

6

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/199,198	AZUMA ET AL.	
	Examiner	Art Unit	
	Timothy V Eley	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

1) Responsive to communication(s) filed on 10 January 2000 .

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) 3,6 and 7 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4 and 5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_ .

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

14) Notice of References Cited (PTO-892)                            17) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

15) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    18) Notice of Informal Patent Application (PTO-152)

16) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    19) Other: \_\_\_\_\_

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**DETAILED ACTION**

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1,2,4, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following phrases in the claims are vague, indefinite, and/or awkwardly and confusingly worded, and therefore, are not fully understood:

i. "such as" (claims 1 and 2, line 2 of each) renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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- ii. "previously . . . position" (claims 1 and 2, lines 6-8 of each) is awkwardly worded since it is not readily apparent as to exact when the "previously" is referring.
- iii. "aligning . . . pattern" (claim 2, lines 20 and 21) is awkwardly worded.
- iv. "previously . . . magnification" (claims 4 and 5, lines 3-5 of each) is awkwardly worded since it is not readily apparent as to exact when the "previously" is referring.
- v. "the imaged . . . pattern(s)" (used throughout the claims) lacks proper antecedent basis since it is not properly earlier referred to in each respective instant that it appears.

#### ***Allowable Subject Matter***

4. Claims 1,2,4, and 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

#### ***Conclusion***

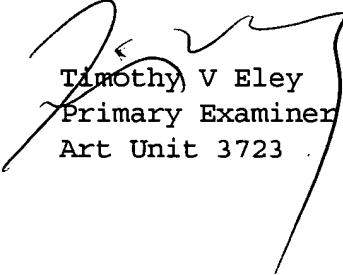
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley

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whose telephone number is 703-308-1824. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3588 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Timothy V Eley  
Primary Examiner  
Art Unit 3723

tve  
February 26, 2000